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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,677	11/24/2003	Angelo Salvucci	D-1603	7254
49147	7590	06/28/2007	EXAMINER	
OWEN L. LAMB P.O. BOX 386 PRESCOTT, AZ 86302-0386			DANIEL JR, WILLIE J	
		ART UNIT	PAPER NUMBER	
		2617		
		MAIL DATE	DELIVERY MODE	
		06/28/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b><i>Office Action Summary</i></b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/722,677	SALVUCCI ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
	Willie J. Daniel, Jr.	2686

**Application No.**

**Applicant(s)**

10/722,677

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## Art I Unit

Willie J. Daniel, Jr.

2686

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENING

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 23 November 2003.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 26-50 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 26-50 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

## DETAILED ACTION

1. This action is in response to application filed on 23 November 2003. **Claims 26-50** are now pending in the present application and **claims 1-25** are cancelled. This office action is made **Non-Final**.

### *Claim Objections*

2. **Claims 26-32, 37, 39, 41, and 43-44** are objected to because of the following informalities:
  - a. Claim 26 recites the limitation "...call; and, ..." in line(s) 11 of the claim. The Examiner requests that the punctuation mark -- , -- be deleted and suggests replacing the limitation with -- call; and -- to help clarify the claim language. Similar corrections as indicated above which are too numerous to mention should be made in claims 28, 29, 31, 32, 37, 39, 41, and 43-44.
  - b. Claims 27 and 30 include the limitation "...information, ..." as recited in line(s) 4 of claim 27. The Examiner requests that the punctuation mark -- , -- be deleted and suggests replacing the limitation with -- information. -- to help clarify the claim language.

Appropriate correction is required.

3. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review all claims and clarify the issues as listed above as well as any other issue(s) that are not listed.

***Double Patenting***

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

**Claims 26-50** are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over **claims 1-13, 15-22, and 26-28** of U.S. Patent No. **6,775,356** B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following:

Regarding **claims 26-27**, the claims have similar limitations as claims 26-27 respectively. The claims are drawn to an emergency service notifying of a call.

Regarding **claim 28**, the claim has similar limitations as claim 28. The claim is drawn to an emergency service notifying of a call.

Regarding **claims 29-30**, the claims have similar limitations as claims 9, 13, and 27. The claims are drawn to an emergency service notifying of a call.

Regarding **claims 31-38**, the claims have similar limitations as claims 1-8 and 12. The claims are drawn to an emergency service notifying of a call as and claim 31 is a broader version of claim 12.

Regarding **claim 39-42**, the claims have similar limitations as claims 9-11 and 13. The claims are drawn to an emergency service notifying of a call in which the system is able to identify wireless calls and utilize a location system.

Regarding **claims 43-50**, the claims have similar limitations as claims 15-22 respectively. The claims are drawn to an emergency service notifying of a call.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Orwick et al. (US 6,201,856 B1) discloses an emergency telephone call notification service system and method.
  - b. Pons et al. (US 5,805,670) discloses a private notification system for communicating 9-1-1 information.
  - c. Grimes (US 5,388,147) discloses a cellular telecommunication switching system for providing public emergency location information.
  - d. Donnelly et al. (US 6,076,028) discloses a method and apparatus for automatic vehicle event detection, characterization and reporting.
  - e. Oxley (US 6,671,350 B1) discloses a multiple identification access codes for a single data file.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (571) 272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information

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for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD,JR/

WJD,JR  
20 June 2007



CHARLES N. APPIAH  
SUPERVISORY PATENT EXAMINER